

Appl. No. 10/705,492
Art. Docket No. 8911MC
Amdt. dated 10/14/2005
Reply to Office Action of 08/22/2005
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 16 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 14 and 16 have been amended to include the polar solvents selected from the group consisting of ethylene glycol, glycerol, C₂-C₁₀ ethoxylated alcohols, C₁-C₁₀ propoxylated alcohols and mixtures thereof. Support for the amendment is found at page 10 lines 8-15 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 35 and USC §103(a) Over McAtee, et al.

Claims 1 -16 are rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103 (a) as obvious over McAtee, et al.

Applicants respectfully traverse the rejection.

The Office Action states McAtee discloses a substantially dry disposable cleansing article comprising polyester fibers, lathering surfactants, conditioning agents and solvents. The Office Action states that McAtee teaches all of the instantly required, and as such is considered anticipatory. The Office Action admits that McAtee is silent with respect to the cleansing article having hot melt properties. The Office Action states that it would have been obvious to one of skill in the art to exhibit hot melt properties because McAtee each of the claimed components in their requisite proportions.

McAtee does not teach and every one of the elements of Claim 1, 14 and 16, anticipate the present invention. Specifically, Mate does not teach a lathering cleansing composition comprising the personal care article comprising a composition comprising polar solvents selected from the group consisting of ethylene glycol, glycerol, C₂-C₁₀ ethoxylated alcohols, C₁-C₁₀ propoxylated alcohols and mixtures thereof. Therefore, McAtee cannot anticipate the Applicants' Claims 1, 14 and 16. As well, because McAtee does not teach or suggest all of the claim limitations of Claims 1, 14 and 16, it does not

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establish a *prima facie* case of obviousness. Therefore, McAtee does not render Claims 1-16 of the Applicants' present invention unpatentable under 35 U.S.C. § 102 (b) or obvious under 35 U.S.C. § 103(a).

Rejection Under 35 USC §103(a) Over Lorenzi, et al

Claims 1 -16 are rejected under 35 U.S.C. 102(b) as anticipated by Lorenzi, et al. (U.S. Patent No. 6,491,933) or Lorentzi, et al. (U.S. Patent No. 6,322,801).

The Office Action states Lorenzi '933 and Lorenzi '801 discloses a substantially dry disposable cleansing article with polyester fiber, lathering surfactants, conditioning agents, solvents and benefit agents. The Office Action states that Lorenzi teaches all of the instantly required, and as such is considered anticipatory.

Lorentzi '933 and Lorenzi '801 do not teach and every one of the elements of Claim 1, 14 and 16. anticipate the present invention. Specifically, Lorenzi '933 and Lorenzi '801 do not teach a lathering cleansing composition comprising comprising polar solvents selected from the group consisting of ethylene glycol, glycerol, C2-C10 ethoxylated alcohols, C1-C 10 propoxylated alcohols and mixtures thereof. Therefore, Lorenzi '933 and Lorenzi '801 cannot anticipate the Applicants' Claims 1, 14 and 16. Therefore, Lorenzi does not render Claims 1-16 of the Applicants' present invention unpatentable under 35 U.S.C. § 102 (b).

Double Patenting

Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-39 of copending Application No. 10/677,868. The rejection has been rendered moot because the Application the Examiner references has been abandoned.

Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 6 and 10-14 and 1-21 of U.S. Patent No. 6,491,933 and U.S. Patent No. 6,322,801.

To facilitate and expedite prosecution, an appropriate terminal disclaimer is submitted herewith this response. Therefore, the rejection is obviated.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. 102(b), under 35 U.S.C. 103 (a) and double patenting. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-16 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By Bridget Murray
Bridget Murray
Registration No. 52,555
(513) 626-0575

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